

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

FELIKS GOLDSHTEIN,	)	CASE NO. 5:09 CV 650
	)	
Petitioner,	)	JUDGE PATRICIA A. GAUGHAN
	)	
v.	)	
	)	<u>MEMORANDUM OF OPINION</u>
STATE OF OHIO,	)	<u>AND ORDER</u>
	)	
Respondent.	)	

On March 24, 2009, petitioner pro se Feliks Goldshtein, an inmate at the Summit County Jail, filed the above-captioned petition for writ of habeas corpus under 28 U.S.C. § 2254. The petition asserts Goldshtein is being held unlawfully without jurisdiction. For the reasons stated below, the petition is denied and this action is dismissed.

A federal court may entertain a habeas petition filed by a person in state custody only on the ground that he is in custody in violation of the Constitution, laws, or treaties of the United States. 28 U.S.C. § 2254(a). In addition, petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254(b).

Without regard to the potential merits of the grounds sought to be raised by Goldshtein, there is no suggestion on the face of the petition that he has yet to be raise and exhaust these

grounds in the Ohio courts. The petition is thus premature.

Accordingly, this action is dismissed without prejudice pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. Fed.R.App.P. 22(b); 28 U.S.C. § 2253.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan  
PATRICIA A. GAUGHAN  
UNITED STATES DISTRICT JUDGE

Dated: 5/5/09